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GARDNER, J

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

09 CV 4755 (PGG)

Plaintiff,

- against -

FTC CAPITAL MARKETS, INC., ET AL.,

Defendants. ECF CASE

~~PROPOSED~~ ORDER DIRECTING
DEPOSIT OF FUNDS IN COURT REGISTRY
INVESTMENT SERVICE ACCOUNT
FOR DISTRIBUTION TO DEFRAUDED INVESTORS

The plaintiff Securities and Exchange Commission (the "Commission") having moved for an order directing that certain funds seized pursuant to seizure warrants upon application of the United States Attorney's Office for the Southern District of New York (the "USAO") be transferred to the Court Registry Investment Service ("CRIS") account in this action for distribution to defrauded investors by the Fund Administrator, and it appearing that the same should be granted, it is hereby:

ORDERED, that the United States Marshal's Service shall upon receipt of this Order, deposit with the Clerk of this Court, for deposit to the CRIS account associated with this action, all funds held in connection with amounts turned over by Wachovia Bank, N.A., representing the amounts in accounts in the name of FTC Emerging Markets, Inc., account numbers XXXXXXXXXX2691 and XXXXXXXXXX0598 (09 MJ 1270) and all property traceable thereto.

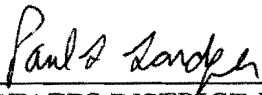
FURTHER ORDERED, that Penson Financial Services, Inc. upon receipt of this Order, shall liquidate all securities held in securities account in the name of FTC Emerging Markets, Inc., account number XXXX5065 (09 MJ 1270(a)), and upon such liquidation shall deposit with

the Clerk of this Court, for deposit to the CRIS account associated with this action, all such funds.

FURTHER ORDERED, that JPMorgan Chase Bank, N.A., upon receipt of this Order, deposit with the Clerk of this Court, for deposit in the CRIS account associated with this action, all funds on deposit at JPMorgan Chase Bank, N.A., in an account in the name of FTC Emerging Markets, Inc., account number XXXX0212 (09 MJ 1270(b)).

FURTHER ORDERED, that the Fund Administrator shall, upon receipt of the above amounts, prepare a motion to distribute such funds to the investors defrauded by the Defendants whose claims have been allowed, in accordance with the list of Eligible Claimants and the Distribution Plan, with the exception of Tower 56 Real Estate Owner, LLC, which is a creditor and not an investor, based upon the regulations requiring seized funds to be distributed solely to persons who have incurred a pecuniary loss as a direct result of the commission of the criminal offense.

Dated: New York, New York
August 23, 2013


UNITED STATES DISTRICT JUDGE

